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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,835	04/26/2001	Janani Janakiraman	AUS920010095US1	8492

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Kelly K. Kordzik
5400 Renaissance Tower
1201 Elm Street
Dallas, TX 75270-2199

EXAMINER

NGUYEN, NHON D

ART UNIT PAPER NUMBER

2179

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/842,835	JANAKIRAMAN ET AL.	
	Examiner	Art Unit	
	Nhon (Gary) D Nguyen	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>04012005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to amendment, filed 10/12/2004.
2. Claims 1-33 are pending in this application. Claims 1, 8 and 15 are independent claims.

In this amendment, no claim is canceled, claims 1, 5, 6, 8, 13, 15-17, 19 and 20 are amended, and no claim is added. This action is made non-final.

Claim Rejections - 35 USC § 101

3. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claims raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 6, 22, 23, 31, 8, 9, 13, 24, 32, 15, 16, 20, 25, 26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber et al. ("Barber", US 5,751,286) in view of McLaughlin et al. ("McLaughlin", US 6,501,779).

Art Unit: 2179

As per claims 1, 8 and 15, Barber teaches a computer implemented method and corresponding system for presenting graphical data to a user comprising the steps/means:

analyzing a set of graphical data to determine a set of critical factors present in the graphical data to form determined critical factors (col. 6, line 30 – col. 7, line 13);

ranking the determined critical factors according to respective priorities set for each of the critical factors (col. 14, lines 44-67); and

Barber teaches generating a set of graphical data, ordered according to the priorities of each of the respective critical factor (col. 14, lines 65-67 and col. 9, lines 57-61). However, Barber does not disclose a textual description of the set of graphical data. McLaughlin teaches the web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data (e.g. col. 4, lines 3-9). It would have been obvious to an artisan at the time of the invention to use the teaching from McLaughlin of providing a textual description of the set of graphical data in Barber's system since it would enable Barber's system to be used by sight impaired people.

As per claims 2, 9 and 16, Barber teaches the set of critical factors and the textual description are selected according to a selected mode (col. 9, lines 1-4 and col. 9, lines 41-43).

As per claims 6, 13 and 20, Barber teaches the priorities of each of the respective critical factor is determined in accordance with said selected mode (col. 9, lines 1-4).

Art Unit: 2179

As per claims 22 and 24-26, Barber teaches the graphical data further comprises data in a format that produces a non-textual image on a display screen (col. 7, lines 4-13).

As per claim 23, since McLaughlin teaches the web/text translator converts text, graphic icons, menu options, and communication links within a web site into equivalent forms of text data (col. 4, lines 3-9), it is inherent in McLaughlin's system to have an image analysis software for converting the graphical data into a textual description of the graphical data (col. 10, lines 27-28).

As per claims 31, 32 and 33, McLaughlin teaches the textual description of the set of graphical data describes in words an illustrated description of the graphical data (e.g. col. 8, line 60 – col. 9, line 19).

6. Claims 3, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin.

As per claims 3, 10 and 17, modified Barber does not disclose the mode is selected according to a URL associated with the set of graphical data. The Examiner takes Official Notice that since Barber's system is that of retrieving images from an online image database (col. 2, lines 37-38), it is well known in the computer art that the selected mode is selected according a URL associated with the set of graphical data. It would have been obvious to an artisan at the time of the invention to select the mode according to a URL associated with the set of graphical

Art Unit: 2179

data in modified Barber's system since it would make the system adaptable to the Web/Internet technology.

7. Claims 4, 5, 11, 12, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of Hasser et al. ("Hasser", US 5,736,978).

As per claims 4 and 5, modified Barber does not disclose the step of generating said textual description further comprises the step of generating said textual rendition in an aural format and in a tactile format. Hasser teaches the communication of graphic data provided by tactile sensing and audio related user aids (col. 4, lines 55-63). It would have been obvious to an artisan at the time of the invention to use the teaching from Hasser of providing the communication of graphic data by tactile sensing and audio related user aids in Barber's system since it would enable modified Barber's system to be used by sight impaired people.

As per claims 11 and 18, they are similar in scope to claim 4; therefore, they should be rejected under similar scope.

As per claims 12 and 19, they are similar in scope to claim 5; therefore, they should be rejected under similar scope.

8. Claims 7, 14, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of Discolo et al. ("Discolo", US 6,370,566).

As per claims 7, 14 and 21, which is dependent on claim 1, modified Barber does not disclose the step of generating said textual description of the set of graphical data includes generating said textual description in accordance with one or more textual templates. Discolo discloses that at col. 22, lines 31-32. It would have been obvious to an artisan at the time of the invention to use the teaching from Discolo of generating the textual description in accordance with one or more textual templates in modified Barber's system since it would make the process run faster by retrieving the textual description directly from the textual templates.

9. Claims 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of McLaughlin and further in view of applicant's admitted prior art.

As per claim 27, modified Barber does not disclose the graphical data is selected from a group of GIF, JPEG, and PNG type data format. Applicant's admitted prior art disclose that in page 3, lines 4-6. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of selecting graphical data from a group of GIF, JPEG, and PNG type data format in modified Barber's system since it would enable the system to work with different types of data formats.

As per claim 28, modified Barber does not disclose the set of critical factors includes characteristics of data illustrated in a displayed multi-dimensional graph. Applicant's admitted prior art disclose that in page 3, lines 10-16. It would have been obvious to an artisan at the time of the invention to apply the teaching from the applicant's admitted prior art of illustrating the set

of critical factors in a displayed multi-dimensional graph in modified Barber's system since it would help a user easily visualize critical factors on the multi-dimensional graph.

As per claims 29 and 30, which are dependent on claims 8 and 15 respectively, they are rejected under the same rationale as claim 28.

Response to Arguments

10. Referring to independent claims 1, 8 and 15, applicant argued that Barber does not teach generating a set of graphical data, ordered according to the priorities of each of the respective critical factors.

Applicant's arguments have been fully considered but they are not persuasive. Barber still reads on the language of claims 1, 8 and 15. Barber's image query system analyzes *a set of graphical data* from the database (*a set of graphical image* from the image database 36 of fig. 1) to determine *a set of critical factors* present in the graphical data (*image data representation* 35 of fig. 1; col. 5, lines 52 – col. 6, line 28 and col. 6, line 61 – col. 7, line 13). The critical factors are ranked according to respective priorities set for each of the critical factors (*image query constructions*, col. 7, lines 6-25). Finally, generating the set of graphical data ordered according to the priorities of each of the respective critical factors (*results list* 80; e.g. col. 8, lines 46-55).

11. Applicant argued that Barber teaches creating a visual image query engine using icons to select image characteristics. On the other hand, McLaughlin teaches a method whereby "the levels of transcription, RNA processing and degradation for virtually any number of genes may

Art Unit: 2179

be determined simultaneously". The two solutions have no relation to each other. As such, one of ordinary skill in the art would not consider looking to these references.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Inquiries

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is (571)272-4139. The examiner can normally be reached on Monday - Friday with every other Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571)272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nhon (Gary) Nguyen
April 01, 2005


BA HUYNH
PRIMARY EXAMINER